

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAPHETH MWAMISI NYAMU,
Plaintiff,

v.

JAMES COMEY, DIRECTOR
FEDERAL BUREAU OF
INVESTIGATIONS, et al.,
Defendants.

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FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(b), the district court referred this case to the United States Magistrate Judge for pretrial management. *See* New Case Notes [ECF No. 1]. Before the Court is Plaintiff's Notice of Voluntary Dismissal [ECF No. 8]. Japheth Mwamisi Nyamu ("Plaintiff") filed this action on July 1, 2016, against James Comey, Loretta Lynch, Jeh Charles Johnson, Leon Rodriguez, and Lisa Kehl (collectively, "Defendants") seeking the Court to conduct a hearing and grant his naturalization application. Compl. 1, 9 [ECF No. 3]. On December 8, 2016, Plaintiff filed his Notice of Voluntary Dismissal [ECF No. 8] stating that he has been naturalized and therefore this action is now moot. Pl.'s Mot. 1 [ECF No. 8]. Plaintiff requests this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). *Id.* [ECF No. 8]; FED. R. CIV. P. 41(a)(1)(A)(i). Defendants have not filed an answer or a motion for summary judgment in this case. *See* FED. R. CIV. P. 41(a)(1)(A)(i). Upon consideration of the foregoing, the undersigned respectfully recommends that the district court grant Plaintiff's Notice of Voluntary Dismissal [ECF No. 8] and dismiss this case without prejudice.

SO RECOMMENDED, this 16 day of December, 2016.


PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT

The United States District Clerk shall serve a true copy of these findings, conclusions and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions and recommendation must serve and file written objections within fourteen days after service of the findings, conclusions and recommendation. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections to these proposed findings, conclusions and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation within fourteen days after service shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).